

Custom Hardware Engineering  
& Consulting, Inc., et al.,

Plaintiffs,

V.

Jonathan D. Dowell, et al.,

Defendants.

Case No.: 4:10CV000653 ERW

## MEMORANDUM AND ORDER

This matter comes before the Court on Defendant's Forensic Imaging Cost Analysis Brief [doc. #153]; and Plaintiff Custom Hardware Engineering & Consulting, Inc.'s Brief on the Allocation of Costs of Computer Forensic Imaging [doc. #155]. The Court held a hearing on February 3, 2011, wherein the Court was notified that the parties have attempted to discuss the cost allocation of the forensic imaging to be performed on the computer hard drives of Defendants Jonathan D. Dowell, Marcus K. Smith, and Tri-Point Development, Inc., but they have been unable to reach an agreement.

On February 4, 2011, this Court entered an order requiring respective counsel to contemporaneously file briefs regarding their positions on the Court's imposition of payment of costs for completing electronic imaging no later than February 18, 2011. The Parties filed their briefs on February 18, 2011. Each party argues that the other party should bear the entire cost of

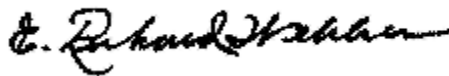
forensic imaging.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff Custom Hardware Engineering & Consulting, Inc. will bear one hundred percent (100%) of the cost of forensic imaging as it relates to William Pilling.

**IT IS HEREBY FURTHER ORDERED** that each party shall bear fifty percent (50%) of the cost of forensic imaging as it relates to Defendants Jonathan D. Dowell, Marcus K. Smith, and Tri-Point Development, Inc., to be performed by a company mutually agreed upon by the parties. Each party shall pay into the registry of the Court, one-half of the amount specified by the forensic imaging services company, within 30 days of the receipt of the estimate for the services.

Dated this 5th day of April, 2011.



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E. RICHARD WEBBER  
SENIOR UNITED STATES DISTRICT JUDGE